

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, CHIEF JUDGE

DIVISIONS III and IV

CA07-1254

November 5, 2008

BILLIE JO GREENLEE

APPELLANT

APPEAL FROM BENTON COUNTY
CIRCUIT COURT [NO. CV-03-835-1]

V.

HON. TOM KEITH, JUDGE

J.B. HUNT TRANSPORT, INC., ET
AL.

APPELLEES

REBRIEFING ORDERED

Appellant appeals from a summary judgment in favor of her former employer in an action based on asserted violations of the Arkansas Civil Rights Act. We do not address the merits of the appeal at this time because appellant's abstract and addendum do not comply with Arkansas Supreme Court Rule 4-2(a)(5) and (8).

Appellant's addendum includes neither the complaint nor the answer. Rule 4-2(a)(8) requires that "relevant pleadings" be included in the addendum and, given that the issue in this case is the propriety of a summary judgment, the complaint and the answer are essential to our understanding of the case. *See Heard v. Regions Bank*, 369 Ark. 274, 235 S.W.3d 422 (2007). Furthermore, we note that appellant has included verbatim excerpts of several deposition transcripts in her addendum; these excerpts should instead have been submitted as impartial first-person narratives in the abstract. Ark. Sup. Ct. R. 4-2(a)(5); *Lackey v. Mays*,

100 Ark. App. 386, ___ S.W.3d ___ (2007). Appellant is granted leave to file a complying substituted abstract, brief, and addendum within fifteen days. *See* Ark. Sup. Ct. R. 4-2(b)(3).

Rebriefing ordered.

HART, GLADWIN, and HEFFLEY, JJ., agree.

BAKER, J., concurs.

HUNT, J., dissents.

HUNT, J., dissenting. I disagree with the majority's decision to send this case back for rebriefing. The appellant's abstract and addendum are not so deficient that the court cannot reach the merits of this case. *See* Ark. Sup. Ct. R. 4-2(b)(3). I would consider this appeal on the merits instead of causing an unnecessary delay of this court's decision. Therefore, I respectfully dissent.